

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS
EASTERN DIVISION

In re: TIMOTHY C. BUCKLEY, Debtor.	Chapter 13 Case No 21-10719-JEB
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**OBJECTION OF U.S. BANK TRUST TO
CONFIRMATION OF CHAPTER 13 PLAN**

NOW COMES U.S. Bank Trust National Association, as Trustee of the Lodge Series III as serviced by SN Servicing Corporation, ("U.S. Bank Trust") and objects to confirmation of the Chapter 13 plan of Timothy C. Buckley (the "Debtor"). In support of its objection to confirmation, U.S. Bank Trust states as follows.

STATEMENT OF MATERIAL FACTS

1. On December 15, 2004, the Debtor executed a promissory note in favor of CTX Mortgage Company, LLC for a loan in the amount of \$297,500.00 (the "Note").
2. On December 15, 2004, as security for his obligations under the Note, the Debtor granted a mortgage (the "Mortgage") on certain real property known as and numbered 208 Samoset Avenue, Quincy, Massachusetts (the "Property").
3. The Note and the Mortgage for the Property have been assigned to U.S. Bank Trust.

Bankruptcy Petition

4. On May 17, 2021, the Debtor filed a voluntary Chapter 13 petition with this Court, commencing the above-captioned case. Doc. No. 1.

5. On June 8, 2021, U.S. Bank filed its proof of claim (the "**Proof of Claim**").

Claim 3-1.

6. On June 17, 2021, the Debtor filed a Chapter 13 plan (the "**Plan**"). Doc. No. 27.

7. The Plan does not account for the pre-petition arrears owed to U.S. Bank and fails to provide for ongoing post-petition monthly mortgage payments Id.

GROUNDS FOR OBJECTION TO PLAN

8. U.S. Bank Trust respectfully asks this Court to refuse to confirm the Plan for the following reasons.

9. U.S. Bank Trust objects to the proposed treatment as the Plan fails to provide for cure of pre-petition arrears and also fails to provide for ongoing post-petition mortgage payments.

10. U.S. Bank Trust is owed a pre-petition arrears amount of \$120,282.01 as reflected in the Proof of Claim.

WHEREFORE, in light of the foregoing, U.S. Bank Trust respectfully requests that this Court enter an order:

- (a) Denying confirmation of the Debtor's Chapter 13 plan; and
- (b) Granting U.S. Bank Trust such other and further relief as is just and proper.

Respectfully submitted,

U.S. BANK TRUST NATIONAL
ASSOCIATION, AS TRUSTEE OF THE
LODGE SERIES III AS SERVICED BY SN
SERVICING CORPORATION,

By its attorney,

/s/Michael E. Swain, Esq.

Richard C. Demerle, Esq. (BBO#652242)

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DATE: June 18, 2021

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CERTIFICATE OF SERVICE

I, Michael E .Swain, Esq. of the law firm of Demerle Hoeger LLP, hereby certify that I have this 18th day of June 2021 served on behalf of U.S. Bank Trust National Association, as Trustee of the Lodge Series III as serviced by SN Servicing Corporation, an Objection to Confirmation of Chapter 13 Plan and this Certificate of Service by causing copies hereof to be sent by electronic mail via the Case Management / Electronic Case Files (ECF) system and by private electronic mail to all parties not appearing electronically but entitled to service per the Federal Rules of Bankruptcy Procedure.

Timothy C. Buckley 208 Samoset Avenue Quincy, MA 02169 (M)	Christopher J. Fein Fein Law Office 50 Braintree Hill Office Park Suite 302 Braintree, MA 02184 (ECF)
Carolyn Bankowski Chapter 13-12 Trustee Boston P. O. Box 8250 Boston, MA 02114 (ECF)	John Fitzgerald Office of the US Trustee J.W. McCormack Post Office & Courthouse 5 Post Office Sq., 10th Fl, Suite 1000 Boston, MA 02109 (ECF)

/s/ Michael E. Swain, Esq.
Michael E. Swain, Esq.